

6.5 Possibilities for harmonization

It might be reasonable to assume that, as Europe integrates, the competition policies of other integrated markets such as the U.S. will become more applicable. Despite virulent debate on the subject,¹³⁸ the sensible conclusion is that they will not. As the markets are different,¹³⁹ so too are the policies applicable to them.¹⁴⁰ **Equity and integration have more play in the EU.** In fact, as the U.S. has become more concerned with efficiency, it has narrowed its focus and strayed somewhat further from the equity root of antitrust. The U.S. may be becoming less rather than more relevant to the EU, although more recent critical re-evaluation of Chicago School anti-structuralism does suggest some possible shift back towards equity-based origins in the U.S. (see section 4.2.3 above).

The EU cannot afford to look only across the Atlantic. It maintains wider socio-political considerations within its laws. Indeed, it must maintain at all times its multi-leveled focus on efficiency, equity and integration, if its project is not to be subverted by individualistic profit-taking. Profit maximization is thus kept within strict bounds in Europe and only unleashed as it will serve to integrate the communities.

¹³⁸B. Hawk, *op.cit.*, p. 53:

The U.S. Chicagoan "revolution" has generated criticism of EEU competition law as outmoded and insufficiently reflective of the "new economic learning" in the U.S....appeals for a "rule of reason" under Article 85(1) frequently cite the trend away from *per se* rules in the U.S. towards the rule of reason.

Van Bael, p. 12:

Nobody denounces the enthusiasm with which the Commission and the Court pursue their goal in their respective activities. However, in the field of territorial restrictions there are instances where, in terms of consumer welfare, it would pay to adopt a 'rule of reason' instead of the *per se* approach hitherto followed.

¹³⁹B. Hawk, *op.cit.*, p. 54, who notes the still existing "markedly contrasting economic realities where the EEU faces language and cultural differences, multiple currencies, shifting exchange rates, etc."

¹⁴⁰B. Hawk, *op.cit.*, p. 85:

the American revolution, at least in its most extreme form, will not be repeated in the EEU because of the policy and statutory differences between U.S. and EEU law.